REMARKS

Upon entry of this amendment, claims 1-26 will be pending in the present application. By this amendment, claims 1 and 9 have been amended, and claims 17-26 have been added. Applicant respectfully submits that the pending claims are allowable.

Claim Rejections Under 35 USC § 101

Claims 1-8 stand are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claim 1 has been amended to include operations *"by computer"* so as to place the invention within the technological arts. Applicant respectfully requests that the above-cited rejection be withdrawn.

Claim Rejections Under 35 USC § 103

Claims 1-3, and 9-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baxter et al (USPN 6,356,903), in view of Downs et al (USPN 6,574,609). Claims 4-8, and 12-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Baxter et al (USPN 6,356,903), in view of Downs et al (USPN 6,574,609) as applied to claims 1 and 9 above, in further view of Swartz et al (USPN 6,236,994). Applicant respectfully submits that the pending claims as amended are allowable.

Claim 1 as amended defines a *"method for designing a coordinated content management and delivery system"* including limitations for *"determining by computer key considerations"*, *"providing by computer key processes"*, and *"applying by computer these key considerations and processes to the system design problem."* Additional limitations include a *"framework showing basic content management and delivery element relationships, whereby such a solution to the system design problem is produced"*, and *"the system design problem being the determination of what content management and delivery products and processes to implement,*

and how to implement them." Further, the *"key considerations"* include *"what combination of channels and related devices are to be supported and what content related processes are needed to support publishing."* And further, the *"key processes"* include *"workflow tracking for content elements, capture and use of at least one customer's user preferences, application of business rules to user preferences to determine future content development, access control for the content management system, and metadata capture including author, date of creation and topic."* These features are not taught or suggested by the prior art of record.

Baxter teaches a system which offers a solution to only one part of the *"content management and delivery"* problem, that is, the storing & display of the content fragments. (Abstract; col. 1, lines 6-9; col. 2, lines 1-11). Baxter, like the system Vignette™ described in the specification at page 3, line 4 and page 26, lines 16-21, only provides one way to manage the data fragments by separating them from the templates which describing a way to display the data. Baxter does not teach the claimed elements for *"determining by computer key considerations"*, *"providing by computer key processes"*, and *"applying by computer these key considerations and processes to the system design problem"* where the *"key considerations"* include *"what combination of channels and related devices are to be supported and what content related processes are needed to support publishing."*

Downs teaches a secure electronic content management system where "metadata and/or the usage condition data are altered in order to form promotional data, and the promotional data is transferred from the electronic store to a customer's system." (Abstract; col. 86, lines 17-35.) The mere fact that Baxter discloses "using both new and existing distribution channels" (col. 12, lines 38-39.) does not teach or suggest the present invention where the *"key considerations"* include *"what combination of channels and related devices are to be supported and what content related processes are needed to support publishing."* These *"key considerations"* are not determined in a vacuum but rather in the broader context of the claimed invention for *"designing a coordinated content management delivery system."*

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Swartz, like Baxter and Downs, teaches a system that has nothing to do with Applicant's claimed invention. Swartz teaches 'interoperability and synchronization between heterogeneous document and data sources' - (page 1, lines 12-15). The focus of Swartz is on data and documents versus content, data and documents for the purpose of assembling "regulatory" reports for assisting "regulatory" knowledge workers who are responsible for making and supporting conclusions based on a complete set of information sources. Swartz teaches doing this by saying that "implementation of such a framework necessarily includes tools that, as described above, provide: a mechanism to automatically build an integration knowledge base based on user-specified linkages useful for processing information in support of analysis and decision making; graphically represent the integrated knowledge base; and enable the construction of regulatory proof (a logical argument based on assertions that support some hypotheses - the goal is to help clarify the 'reasoning' used to reach the conclusion - and should be useful throughout the knowledge generation life cycle by enabling identification of the existence or lack of supporting data, contradictory data, and facilitating exploration of the impact of new data)." (Col. 18, line 54 to Col. 19, line 4). Thus, the "framework" of Swartz is used to provide a "mechanism to automatically build an integration knowledge base based on user-specified linkages useful for processing information in support of analysis and decision making; graphically represent the integrated knowledge base; and enable the construction of regulatory proof". This "framework" does not teach Applicant's *framework showing basic content management and delivery element relationships, whereby such a solution to the system design problem is produced"*, where the system design problem in question is *"the determination of what content management and delivery products and processes to implement, and how to implement them."*

As the above-identified characteristic features of the present invention are not disclosed in the cited references, claim 1 is allowable over the cited references. Because they depend directly or indirectly from claim 1, claims 2-8 and 17-19 are likewise allowable over the cited references. Furthermore, these dependent claims recite additional limitations and are

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independently patentable. In particular, claim 17 includes limitations that additionally define *"workflow tracking"*, *"user preferences"*, *"the application of business rules to user preferences"*, *"the access control of content management"*, and *"metadata capture."* And claim 18 includes limitations that further define the *"framework"* together with associated method limitations for *"receiving planning input"*, *"processing the planning input"*, *"receiving planning output"*, *"receiving content elements"*, *"assembling content elements ...to determine customer output"*, and *"receiving customer output."*

For the reasons presented above with respect to claims 1-8 and 17-19, claims 9-16 and 20-22 are allowable. Additionally for these reasons claims 23-26 are allowable.

Applicant respectfully requests that the above-cited rejection be withdrawn.

CONCLUSION

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited. If the Examiner believes a personal conversation would be helpful in advancing this case to an allowance, the Examiner is invited to contact the undersigned by telephone.
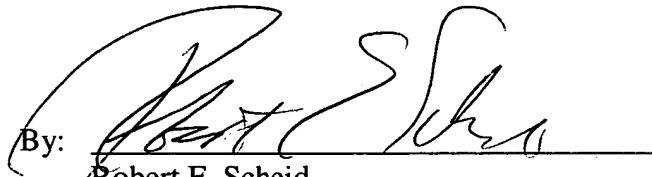
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 426882000500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: _October 23, 2003_   By: _____

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